

DT09 Rec'd PCT/PTO 16 SEP 2004

## INFORMATION DISCLOSURE STATEMENT

Applicant	:	Szpirer et al.
App. No.	:	Unknown
Filed	:	September 16, 2004
For	:	POISON/ANTIDOTE GENETIC SYSTEMS FOR THE SELECTION OF GENETICALLY MODIFIED EUCLAYOTE CELLS OR ORGANISMS
Examiner	:	Unknown
Group Art Unit	:	Unknown

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

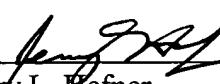
Enclosed is form PTO-1449 listing 3 references that are also enclosed.

This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required in accordance with 37 C.F.R. § 1.97(b)(3). If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 16, 2004

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10/507923

SHEET 1 OF 1

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. VANM290.001APC	APPLICATION NO. Unknown
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		DT09 Rec'd PCT/PTO 16 SEP 2004	
(USE SEVERAL SHEETS IF NECESSARY)		APPLICANT Szpirer et al.	
		FILING DATE September 16, 2004	GROUP Unknown

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		DE 100 38 573	02/21/02	Germany (with English abstract)				
		WO 97 13401	04/17/97	PCT				

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)
	Gabant P. et al., Use of Poison/Antidote Systems for Selective Cloning, September 19, 2000, Abstract

S:\DOCS\JLH\JLH-2881.DOC\091304

EXAMINER	DATE CONSIDERED
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	

**DE 10038573 – A1 (MPB COLOGNE GMBH MOLECULAR PLANT AND PROTEIN BIOTECHNOLOGY) 21 February 2002**

DE 10038573 describes systems of host cells, such as plant cells, which have been modified to contain a gene encoding a toxin (toxic protein different from a poison) under the control of an inducible promoter. Furthermore, this patent application envisions in preferred embodiments the toxin containing construct to be integrated into the genome; a Ti-plasmid to be used for transformation; the integration of the sequence into a plastid or mitochondria genome; and the replacement of the sequence to be excised with a desired foreign DNA sequence.

DE 10038573 describes a system for the excision of a specific sequence by selection for the absence of a toxin encoding DNA sequence, and also describes replacement of this toxin encoding sequence with a desired DNA sequence through homologous flanking sequences by the action of a recombinase. This document provides a method for site-specific integration of a desired DNA sequence through replacement of a toxin encoding gene which is under the control of an inducible promoter.

However, this document does not provide any suggestion to include an antidote gene in such a toxin excision/replacement method, to antagonise “leaky” expression of a toxin from an inducible promoter.